



Victorian
Aboriginal
Legal Service



**Joint Media Release from Djirra and Victorian Aboriginal Legal Service:
No Justice, No Peace – It is time for a Victorian Aboriginal and Torres
Strait Islander Social Justice Commissioner**

Friday 26th March 2021

We call on the Victorian Government to immediately establish an Aboriginal and Torres Strait Islander Social Justice Commissioner. The Commissioner must be sufficiently resourced and empowered to undertake an independent review into the implementation of the Royal Commission into Aboriginal Deaths in Custody recommendations.

This year marks the 30th anniversary of the final report of the Royal Commission into Aboriginal Deaths in Custody. The recommendations of the Commission have never been fully implemented, there is still no accurate evaluation nor accountability for the implementation of those 339 recommendations. Instead, the Aboriginal community has grieved at least 470 deaths in custody.

For generations, our people have been thrown into prison, have died in custody.

Djirra and VALS condemn the Victorian Government's announcement of an \$188.9 million expansion of the Dame Phyllis Frost Centre women's prison, including 106 new prison beds. The construction joins a lengthy and shameful list of prison construction projects under this Government, including Cherry Creek, Chisolm Road, Middleton, Barwon, Hopkins, Ravenhall, and Marngoneet facilities.

Expanding prisons, in the context of punitive bail laws, at a time when the Government should be meeting their commitment to Close the Gap, demonstrates a reprehensible level of apathy towards the health, welfare and lives of Aboriginal and Torres Strait Islander people.

The Victorian Government's bail laws are a clear contradiction of the Royal Commission's recommendations and have resulted in an increase in the number of Aboriginal people being trapped in the criminal legal system.

The urgent need for bail reform was made clear by the tragic death of Veronica Nelson on 2 January 2020. Ms Nelson, a proud Yorta Yorta woman, was refused bail after being arrested

for shop lifting and remanded at the Dame Phyllis Frost Centre.

In Victoria, Aboriginal women make up 13% of the prison population, but only account for 1% of the general population.

80% of Aboriginal and Torres Strait Islander women in prison are mothers. The upgrade to the women's prison includes facilities to accommodate young children who have been approved to live with their mothers. Mothers and their children do not belong in prison. High incarceration rates of Aboriginal women directly impact on child removal rates, rights of Aboriginal children and has ongoing devastating impacts on Aboriginal families and communities.

Specialist services for Aboriginal communities are consistently underfunded and operate beyond capacity. How does this Government justify funding prison expansion over adequately funding prevention and other specialist legal support services?

From the moment of colonisation, Aboriginal people have been subjected to the destruction of our families and communities by governments and justice systems that marginalise us and criminalise us.

The Victorian Government is required to implement a new detention oversight body by January 2022 as part of our *Optional Protocol to the Convention against Torture* (OPCAT) obligations. VALS has consistently asked the Victorian Government to establish a consultative process to ensure the oversight body operates in a culturally appropriate way.

“Prison is proven as not a safe place for Aboriginal and Torres Strait Islander people. Djirra knows that it is especially not a safe place for women. Expanding women's prisons at a time when incarceration rates for Aboriginal women have fallen sharply, and deaths in custody continually fails to be addressed, does not keep Aboriginal women safe. 90% of Aboriginal and Torres Strait Islander women in prison have experienced physical or emotional abuse, including family violence and sexual violence.”

Antoinette Braybrook, CEO Djirra

“We need an Aboriginal and Torres Strait Islander Social Justice Commissioner to ensure the unfinished work of the Royal Commission into Aboriginal Deaths in Custody is finally completed. The lack of transparency and accountability by State and Federal Governments over the last 30 years is why there has been at least 470 Aboriginal deaths in custody since the Royal Commission. We also expect the Government to be more open with regards to the implementation of a new detention oversight body this year, as required by the UN under our OPCAT obligations.”

Nerita Waight, CEO VALS

- end -

Media contacts:

For further information or to arrange an interview please contact the following Communications and media officers

For Djirra Hineani Roberts mcadvisor@djirra.org.au

For VALS Patrick Cook pcook@vals.org.au